

Chair Larson, Vice Chair Paulson, and members of the Committee:

On behalf of the American Civil Liberties Union of North Dakota, I submit testimony in staunch opposition of House Concurrent Resolution 3013 urging the United States Supreme Court to define marriage as a union between one man and one woman.

This resolution undermines fundamental civil liberties and equality as it seeks to revoke the constitutional right of same-sex couples to marry, a right affirmed by the Supreme Court in *Obergefell v. Hodges* (2015). This landmark decision recognized that the Fourteenth Amendment guarantees same-sex couples the same marriage rights as opposite-sex couples, ensuring equal protection under the law.

HCR 3013 is superfluous legislation in that it is extremely unlikely to have any bearing or influence on any action of the Supreme Court should the question of marriage equality come before the Court in the future.

Furthermore, by taking a stance against this precedent and constitutional right, the Sixty-ninth North Dakota Legislative Assembly is openly promoting discrimination against LGBTQ+ and Two Spirit North Dakotans, relegating them to second-class citizenship and declaring that the Assembly wishes to deny them the legal protections and societal recognition provided by legal marriage.

At its core, the resolution seeks to impose a singular definition of marriage based on specific religious or traditional beliefs which an open declaration against the Establishment Clause of the First Amendment, the ACLU has consistently and long maintained that matters of personal belief should remain within the domain of individuals and faith communities and not be dictated by government mandates. Defining marriage exclusively through a particular religious lens not only alienates those with differing beliefs but also sets a dangerous precedent for governmental overreach into personal and religious freedoms.

Advocating for the reversal of *Obergefell v. Hodges* disregards the progress made toward inclusivity and equal rights and undermines the pluralistic and inclusive fabric of our society. Rescinding marriage equality would strip countless families of legal recognition and protection, adversely affecting their stability, well-being, and standing citizens in society. Such a move contradicts the principles of justice and equality that are foundational to our democracy. The ACLU urges North Dakota legislators to reject HCR 3013 and instead focus on policies that uphold the rights and dignity of all citizens, irrespective of their sexual orientation.

Passage of HCR 3012 would be a clear statement that the elected government of the State of North Dakota considers LGBTQ+ and Two Spirit citizens to be of a second-class status. This resolution fosters an environment of exclusion and intolerance, which is antithetical to the core of North Dakotan and American values of liberty and justice for all people.

The ACLU urges this committee to give a “do not pass” recommendation on HCR 3012 and further urges the North Dakota State Senate to soundly defeating this bill.

Submitted by:
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